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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,038	02/19/2002	Perttu Lamminen	33047/243926	9689
826	7590	10/23/2003	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			HALPERN, MARK	
			ART UNIT	PAPER NUMBER
			1731	

DATE MAILED: 10/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/080,038	Applicant(s) LAMMINEN ET AL.	
	Examiner Mark Halpern	Art Unit 1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-8 and 11-16 is/are rejected.
- 7) ☒ Claim(s) 9, 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4/9/02 & 7/15/02</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1) Applicants' election of Group II, drawn on claims 6-16, in Paper received 8/11/2003, is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 1-5, are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Priority

2) Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged. However, the provisional application upon which priority is claimed fails to provide adequate support under 35 U.S.C. 112 for claims 1-16, of this application. The Provisional Application 60/290,362, filed 5/11/2001, was submitted in a non-English language. An English translation of the application was not filed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3) Claims 6-7, 13-15, are rejected under 35 U.S.C. 102(b) as being anticipated by Rahkomaa (WO 99/64666).

Claims 6-7, 13-14: Rahkomaa discloses equipment in a paper machine for mixing of fresh stock and water for dilution of the fresh stock (Title). The equipment includes pipe 11 bringing the water, and pipe 13 entering from outside into center of pipe 11 bringing in the fresh stock into the fresh water. Mixing area K (which reads on claimed mixing zone) is created and includes form pieces a_1 , a_2 , a_3 ... (which read on claimed form parts). The form pieces, shown in Figures 2A-2B, are located on the inner periphery of the pipe 11, are of defined surface and extend a distance towards the middle of the pipe, for creating turbulence in the mixing area. As shown in Figure 1C, the mixed flow enter pump P and then via duct 11 proceeds to headbox 100 (pg. 3, line 5 to pg. 5, line 21, and Figures 1A, 1C, 1D, 2A, 2B).

Claim 15: a second mixing component is a return circulation flow incoming to the mix by pipe 12 as shown in Figures 1D and 2A.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4) Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rahkomaa in view of Huovila (6,562,196). Rahkomaa is applied as above for claim 13, Rahkomaa fails to disclose that the mixed flow is conveyed in at least two tubes to a multilayer headbox. Huovila discloses a multiplayer head box as shown in Figures 1, 2, where stock flows in a plurality of layers (col. 6, lines 1-10). It would have been obvious, to one skilled in the art at the time the invention was made, to combine the teachings of Rahkomaa and Huovila, because such a combination would improve the flocculation in a headbox of Rahkomaa as disclosed by Huovila (col. 2, lines 30-35).

5) Claims 6-8, 11-12, are rejected under 35 U.S.C. 102(b) as being anticipated by Fredriksson (4,861,165).

Claim 6-8: Fredriksson discloses apparatus that includes supply pipe 10 through which a fiber stock slurry enters mixing zone 13 of tube 20. Injected from the outside via pipe 19 is a gas or fluid for mixing with the slurry. The mixing zone is made of a series of modules 21 that protrude from the tubular wall 20 of the mixer into the center of the mixing zone. The modules read on the claimed form parts. The modules comprise surface 24 and surface 27, which read on the claimed control surfaces of the form parts (col. 3, line 4 to col. 5, line 40 and Figures 1-2).

Claims 11-12: the modules 21 location can be adjusted and the number of modules may vary depending on the desired degree of mixing. Also the modules items 24, 27, lengths, surface areas and angle between 24 and 27, can be adjusted (col. 4, lines 1-34).

Allowable Subject Matter

6) Claims 9-10, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for indicating allowable subject matter is that the cited prior art does not show a mixer that includes: form part that comprises traverse boring of the tube, the first end of which boring is in connection with a feed channel outside of the tube (claim 9); form part being hollow, and a feed channel is in connection with the hollow space of the form, and feed opening has been formed on the control surface of the form part (claim 10).

Conclusion

7) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 703-305-4522. The examiner can normally be reached on Mon-Fri, (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 703-308-1164. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.

A handwritten signature in cursive script that reads "M. Halpern".

Mark Halpern
Patent Examiner
Art Unit 1731